

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MCK Millennium Centre Retail LLC)	Chapter 11
Debtor)	
)	Case No. 16-06369
)	
)	Hon. Jack B. Schmetterer

NOTICE OF MOTION

PLEASE TAKE NOTICE that on Thursday, October 13, 2016, at the hour of 10:00 a.m., I shall appear before the Honorable Jack B. Schmetterer or any judge sitting in his stead, in Courtroom 682 of the United States Courthouse, 219 S. Dearborn Street, Chicago, Illinois and then and there present DEBTOR'S MOTION TO EXTEND CASE RESOLUTION DEADLINE AND USE OF CASH COLLATERAL UNDER FINAL CASH COLLATERAL ORDER which is attached.

Respectfully submitted,

By: /s/ Jonathan D. Golding
Attorney for the Debtor

Jonathan D. Golding, Esq. (ARDC# 6299876)
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that he caused a copy of the attached DEBTOR'S MOTION TO EXTEND CASE RESOLUTION DEADLINE AND USE OF CASH COLLATERAL UNDER FINAL CASH COLLATERAL ORDER with attached proposed order to be filed with the Clerk of the U. S. Bankruptcy Court, Northern District of Illinois, using the CM/ECF filing system on this October 11th, 2016, served by electronic mail to registered parties:

VIA ECF:

MLMT 2005-MKB2 Millenium Centre Ret
c/o Bryan Cave LLP
donald.cole@bryancave.com
leslie.bayles@bryancave.com

Paul Tsakiris
c/o Howard L. Teplinsky
Beermann Pritikin Mirabelli Swerdlove
hteplinsky@beermannlaw.com

/s/Jonathan D. Golding

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MCK Millennium Centre Retail LLC)	Chapter 11
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**MOTION TO EXTEND CASE RESOLUTION DEADLINE
AND USE OF CASH COLLATERAL UNDER FINAL CASH COLLATERAL ORDER**

NOW COMES MCK Millennium Centre Retail LLC, Debtor and Debtor-In-Possession, by and through its attorneys, The Golding Law Offices, P. C., and moves the Court for the entry of an order extending the Case Resolution Deadline and the use of Cash Collateral under the Final Cash Collateral Order, and in support thereof states as follows:

1. On June 23, 2016, a certain Stipulation and Final Order (I) Authorizing Use of Cash Collateral Pursuant To 11 U.S.C. §§ 363 and 364, and (II) Granting Adequate Protection Pursuant to 11 U.S.C. §§ 363 and 364 (the “Final Cash Collateral Order”) [Doc. 102] attached hereto as Exhibit A and made a part hereof.

2. The terms herein shall have the same meaning as defined in the Final Cash Collateral Order unless otherwise indicated.

3. Under the terms of that agreement, the Debtor and the Lender stipulated as follows:

Case Resolution Deadline. On or before October 14, 2016 (the “Case Resolution Deadline”), time being of the essence, Debtor’s bankruptcy case shall be resolved by one of the following (each, a “Case Resolution Event”):

a. The closing of a cash sale of the Collateral to a third party purchaser, with the payment in full in cash of the Allowed Lender Claim at the closing of such sale;

b. The closing of a sale of the Collateral to Lender pursuant to a credit bid by Lender; or

c. The closing of a refinancing of the Loan with net proceeds sufficient to pay the Allowed Lender Claim in full in cash at the closing of such refinancing.

4. The Debtor has obtained a written loan commitment (the “Commitment”) from Speedwagon Properties (“Speedwagon”).
5. The Commitment is expected to be sufficient to refinance the Loan with sufficient net proceeds to pay the Allowed Lender Claim in full in cash at the closing of such refinancing.
6. The Commitment contemplated a closing by October 12, 2016, prior to the existing Case Resolution Deadline. However, that closing date was made by the prospective lender Speedwagon without knowledge of the necessity of the Debtor obtaining court approval, and without contemplation of the Jewish holidays and the effect that they have on the availability of counsel.
7. Speedwagon’s counsel has provided the redacted Commitment to counsel for secured creditor MLMT 2005-MKB2 Millenium Centre Retail LLC (“MLMT”) and directly requested an agreed extension of the Case Resolution Deadline through October 21, 2016.
8. Counsel for MLMT have yet to receive final approval from their client MLMT for the requested extension.
9. Out of an abundance of caution, the Debtor hereby requests that this honorable Court modify the Final Cash Collateral Order by extending the Case Resolution Deadline from October 14, 2016 through October 21, 2016, and extending the Debtor’s right to use the Cash Collateral as described in the Final Cash Collateral Order to midnight on October 21, 2016.
10. No other modification to the Final Cash Collateral Order is sought hereby.
11. Authority for the relief sought herein arises pursuant to Fed. R. Bankr. P. 9006(b)(1).

12. The Debtor asks that notice of this motion be shortened to permit presentment on October 13, 2016, as this Honorable Court is not sitting on October 14, 2016.

WHEREFORE Debtor MCK Millennium Centre Retail LLC prays for entry of an order (i) modifying the Final Cash Collateral Order by extending the Case Resolution Deadline from October 14, 2016 through October 21, 2016; (ii) extending the Debtor's right to use the Cash Collateral as described in the Final Cash Collateral Order to midnight on October 21, 2016; (iii) deeming shortened notice of this motion to be adequate; and (iv) for any such other relief as this Court may deem just.

Respectfully submitted,

MCK MILLENNIUM CENTRE
RETAIL LLC

/s/ Jonathan D. Golding
Jonathan D. Golding
One of the Attorneys for the Debtor

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